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Re: Mary Smith v. David Nicholson et al
USDC No. 04CV10632MEL

Counselors:

I am writing to you for several reasons. In our continuing attempts to conclude discovery in this matter, we have conducted fifteen (15) depositions. At our last two deposition dates, on October 6, in Boston, and on October 14, in Framingham, and by fax to you on October 21, 2005, I requested contact information regarding Mr. Charles Salyards, an investigator for the insurance carrier for Mr. Dominick Sawicki, who had interviewed the Plaintiff and a number of witnesses, prepared reports and had tape recorded these interviews. My reason for these requests is that I wish to obtain copies of these tapes and to depose Mr. Salyards because several discrepancies have surfaced between his written reports and the deposition testimony of several witnesses. It is very important that I receive Mr. Salyards' current contact information immediately, not only to conclude our discovery but because the Plaintiff has developed serious health problems.

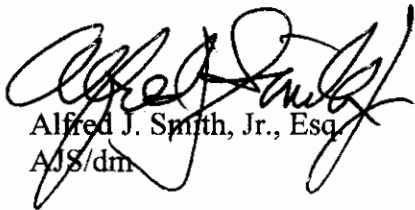
It is my duty to inform you that the Plaintiff, Mary Smith, my mother, has been hospitalized in New Hampshire after suffering several strokes and developing a serious heart condition. I am concerned about her health going forward in this matter. Therefore, in addition to the contact information on Mr. Salyards, I request that you respond to my previous offers of settlement, at this time, so that we can attempt to resolve this matter now. I think the time is right for us to conclude this case.

We were directed by Judge Lasker, at his Scheduling Conference, on June 30, 2004, to conduct and conclude our discovery and move this matter forward without delay. Therefore, by copy of this letter, as well as in a separate written request to him (attached), I have requested that Judge

Lasker schedule a status conference in Boston for counsel for all parties as soon as possible in an attempt to settle this case, or to assign it the earliest possible trial date, after resolution of any dispositive motions by the parties.

I am available to discuss this case, any settlement counterproposals, and to receive Mr. Salyards' contact information, at your convenience.

Very truly yours,

A handwritten signature in black ink, appearing to read "Alfred J. Smith, Jr.", written over the typed name and initials.

Alfred J. Smith, Jr., Esq.
AJS/dm

cc: Hon. M. E. Lasker

Enclosure